

AMENDED IN ASSEMBLY MARCH 23, 2011

CALIFORNIA LEGISLATURE—2011–12 REGULAR SESSION

ASSEMBLY BILL

No. 781

Introduced by Assembly Member John A. Pérez

February 17, 2011

An act to ~~amend Section 51230 of~~ *add Section 16149 to the* Government Code, relating to ~~agricultural preserves~~ *preservation of lands*.

LEGISLATIVE COUNSEL'S DIGEST

AB 781, as amended, John A. Pérez. ~~Agricultural preserve~~ *Preservation of lands: open-space subventions.*

Existing law authorizes cities and counties to enter into contracts with landowners, pursuant to the Williamson Act, whereby the landowner agrees to restrict the use of the land under contract in exchange for a reduced property tax amount. Existing law continuously appropriates to the Controller from the General Fund an amount sufficient to provide replacement revenues to local governments by reason of the reduction of the property tax on open-space lands, as specified. Existing law also provides specified subventions for purposes of preserving open-space lands.

This bill would authorize a city, county, or city and county to accept contributions from public and private entities to offset a reduction in state subvention payments, as specified.

~~Existing law authorized beginning January 1, 1971, any county or city having a general plan, and until December 31, 1970, any county or city by resolution and after a public hearing, to establish an agricultural preserve.~~

~~This bill would authorize a county or city having a general plan, after a public hearing, to establish an agricultural preserve.~~

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 ~~SECTION 1. Section 16149 is added to the Government Code,~~
2 ~~to read:~~

3 ~~16149. A city, county, or city and county may accept~~
4 ~~contributions from public and private entities to offset a reduction~~
5 ~~in state payments pursuant to this chapter for lands that are~~
6 ~~identified in the report by the city's, county's, or city and county's~~
7 ~~report to the Secretary of the Resources Agency pursuant to Section~~
8 ~~16144.~~

9 ~~SECTION 1. Section 51230 of the Government Code is~~
10 ~~amended to read:~~

11 ~~51230. A county or city having a general plan may, after a~~
12 ~~public hearing, establish an agricultural preserve. Notice of the~~
13 ~~hearing shall be published pursuant to Section 6061, and shall~~
14 ~~include a legal description, or the assessor's parcel number, of the~~
15 ~~land that is proposed to be included within the preserve. The~~
16 ~~preserves shall be established for the purpose of defining the~~
17 ~~boundaries of those areas within which the city or county will be~~
18 ~~willing to enter into contracts pursuant to this act. An agricultural~~
19 ~~preserve shall consist of no less than 100 acres; provided, that in~~
20 ~~order to meet this requirement two or more parcels may be~~
21 ~~combined if they are contiguous or if they are in common~~
22 ~~ownership; and further provided, that in order to meet this~~
23 ~~requirement land zoned as timberland production pursuant to~~
24 ~~Chapter 6.7 (commencing with Section 51100) may be taken into~~
25 ~~account.~~

26 ~~A county or city may establish agricultural preserves of less than~~
27 ~~100 acres if it finds that smaller preserves are necessary due to the~~
28 ~~unique characteristics of the agricultural enterprises in the area~~
29 ~~and that the establishment of preserves of less than 100 acres is~~
30 ~~consistent with the general plan of the county or city.~~

31 ~~An agricultural preserve may contain land other than agricultural~~
32 ~~land, but the use of any land within the preserve and not under~~
33 ~~contract shall within two years of the effective date of any contract~~

1 ~~on land within the preserve be restricted by zoning, including~~
2 ~~appropriate minimum parcel sizes that are at a minimum consistent~~
3 ~~with this chapter, in such a way as not to be incompatible with the~~
4 ~~agricultural use of the land, the use of which is limited by contract~~
5 ~~in accordance with this chapter.~~

6 ~~Failure on the part of the board or council to restrict the use of~~
7 ~~land within a preserve but not subject to contract shall not be~~
8 ~~sufficient reason to cancel or otherwise invalidate a contract.~~

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